

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP
2 Alex Spiro (appearance *pro hac vice*)
3 alexspiro@quinnemanuel.com
4 51 Madison Ave., 22nd Floor
5 New York, NY 10010
6 Telephone: (212) 849-7000

7 QUINN EMANUEL URQUHART & SULLIVAN, LLP
8 Daniel C. Posner (CA Bar No. 232009)
9 danposner@quinnemanuel.com
10 Mari F. Henderson (CA Bar No. 307693)
11 marihenderson@quinnemanuel.com
12 865 S. Figueroa St., 10th Floor
13 Los Angeles, California 90017
14 Telephone: (213) 443-3000
15 Facsimile: (213) 443-3100

16 QUINN EMANUEL URQUHART
17 &SULLIVAN, LLP
18 Asher Griffin (appearance *pro hac vice*)
19 ashergriffin@quinnemanuel.com
20 300 W. 6th St., Suite 2010
21 Austin, TX 78701
22 Telephone: (737) 667-6100

23 *Attorneys for Defendant Tesla, Inc.*

24
25
26
27
28
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

OWEN DIAZ,

Plaintiff,

v.

TESLA, INC. d/b/a TESLA MOTORS, INC.,

Defendant.

Case No. 3:17-cv-06748-WHO

**NOTICE OF WITHDRAWAL OF
MOTION AND ERRATA RE:
ADMINISTRATIVE MOTION (DKT. 383)**

Hearing Date: February 27, 2023

Time: 2:00 p.m.

Place: Courtroom 2, 17th Floor

Judge: Hon. William H. Orrick

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 Please take notice that Defendant Tesla, Inc. (“Tesla”) hereby withdraws its Administrative
3 Motion to Consider Whether Another Party’s Material Should Be Sealed (“Administrative
4 Motion”), filed on February 4, 2023 (Dkt. 383). Tesla further respectfully submits this Notice of
5 Errata regarding the Administrative Motion.

6 In the Administrative Motion, Tesla stated that the deposition testimony of Plaintiff Owen
7 Diaz that was included in Exhibit C to the Declaration of Daniel C. Posner in Support of Tesla’s
8 Motions *in Limine* (Dkt. 381-1) was designated confidential by counsel for Mr. Diaz. Tesla has
9 subsequently learned that the designation was made by prior counsel for Tesla. In light of the
10 previous trial, the portions of Mr. Diaz’s testimony included in Dkt. 381-1 and discussed in Tesla’s
11 Motions *in Limine* (Dkt. 381) at page 4, lines 16-17, 19-20, no longer need to remain confidential.
12 The previously sealed Exhibit C to the Posner Declaration (Dkt. 381-1) and redacted Motions *in*
13 *Limine* (Dkt. 381) can be filed on the public record, unsealed and unredacted. Tesla therefore
14 withdraws its Administrative Motion and its request to file the contents of Exhibit C under seal.

15
16 DATED: February 6, 2023

By: /s/ Daniel C. Posner

Daniel C. Posner
Mari Henderson
QUINN EMANUEL URQUHART & SULLIVAN, LLP
865 S. Figueroa St., 10th Floor
Los Angeles, California 90017
Telephone: (213) 443-3000

Alex Spiro (appearance *pro hac vice*)
alexspiro@quinnemanuel.com
51 Madison Ave., 22nd Floor
New York, NY 10010
Telephone: (212) 849-7000
Facsimile: (213) 443-3100

Asher Griffin (appearance *pro hac vice*)
ashergriffin@quinnemanuel.com
300 W. 6th St., Suite 2010
Austin, TX 78701
Telephone: (737) 667-6100

Attorneys for Defendant Tesla, Inc.